



February 15, 2006

Via E-Mail and Fedex

Raphael Gomez
U.S. Department of Justice
20 Massachusetts Ave., N.W., Room 7200
Washington, D.C., 20001

re: *ACLU, et al. v. Gonzales*, Civil Action No. 98-5591 (E.D. Pa.)

Dear Raphael:

I received your letter of February 9, 2006 concerning Plaintiffs 30(b)(6) notice of deposition addressed to defendant and seeking a witness to discuss "the Department of Justice's definitions of 'obscene' and 'harmful to minors.'" We do not find your proposed alternatives (Interrogatories or Written Questions) to be acceptable. If you do not intend to supply a witness prior to the end of the discovery period, you should file the appropriate motion.

You complain that the scope of the deposition is unclear. I don't agree but to the extent it is helpful, I suggest you could refer to my letter of January 11, 2006, concerning Requests to Produce on the same topic. That should provide additional specificity if needed. Unfortunately, your production under those sections has not been sufficient for plaintiffs' purposes and thus a deposition is necessary.

I understand your letter to concede the relevance of the information sought, but to object as intruding on prosecutorial discretion. However, as you know, two of the key issues in this case are directly raised by the defendant's interpretation of the statute: the scope of affected speech and the vagueness of the statute. It is difficult to see how the defendant is prejudiced by explaining its interpretation of a statute. Indeed, the defendant does that every single day in courts across the country.

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I am, of course, willing to discuss this further if you think it would be helpful. I will be at depositions this week, so if you can't reach me, feel free to call Aden.

Sincerely,

A handwritten signature in black ink that reads "Chris Hansen". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Chris Hansen

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